THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.24787 of 2001

Dated: 22-06-2006

Between:

G. Rajender.

..... PETITIONER

AND

The District Collector, Rangareddy District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.24787 of 2001

ORDER:

The petitioner claims to be the absolute owner of the land bearing plot No.41 admeasuring 311.1 sq. yards in survey Nos.60/M, 60/R, 60/Q and 60/L situated at Ward No.8, Block No.3, rest of area of Karmanghat Village, Saroornagar Revenue Mandal, Rangareddy District. He claims to have purchased the property from one V. Devamma and three others under a registered sale deed dated 08-11-2001. When he approached the second respondent, a memo/refusal order dated 26-11-2001 stating that registration is refused in view of the instructions of the Joint Collector, Rangareddy District, dated 15-09-2000, directing not to entertain registrations in respect of the land in survey numbers mentioned hereinabove. Assailing the same, the present writ petition is filed.

The first respondent has filed a counter-affidavit. It is alleged that the land in survey Nos.57 to 60 is surplus vacant land and therefore instructions were issued not to entertain sale transactions in respect thereof till publication of the same in Official Gazette. It is further stated that proposals were sent to the government to issue notification under Section 22-A of the Registration Act, 1908 (the Registration Act, for brevity) as amended by the Registration (Andhra Pradesh Amendment) Act, 1999.

At the time of hearing, the learned Assistant Government Pleader for Revenue (General) has brought to the notice of this Court that the Government vide G.O.Ms.No.807 dated 13-10-2004 denotified the land in survey Nos.57 to 60 Karmanghat Village, therefore, there cannot be any prohibition for registering the sale deed presented by the petitioner. Even otherwise a Division Bench of this Court in W.P.Nos.14099 of 2003 and batch by common order dated 07-12-2005 declared Section 22-A of the Registration Act as unconstitutional and therefore, the government has no power to issue any notification prohibiting registration.

In view of the above, the writ petition succeeds and is accordingly allowed and the impugned orders dated 15-09-2000 and 26-11-2001 are set aside, directing the second respondent or any other Registering Officer to accept the document presented by the petitioner and to consider the same for registration. Be it noted, if for any reason, the document is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Registration Act. No costs.

V.V.S.RAO, J

22nd June, 2006
ghn